

PATENT
3560-0132P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: LINARES, Luis A. et al. Conf.:
Appl. No.: 10/669,359 Group: UNASSIGNED
Filed: September 25, 2003 Examiner: UNASSIGNED
For: DEVICE FOR RADIATION TREATMENT OF
PROLIFERATIVE TISSUE SURROUNDING A
CAVITY IN AN ANIMAL BODY

PETITION FOR RETROACTIVE FOREIGN FILING LICENSE
UNDER 37 C.F.R. § 5.12(B) AND § 5.13

Commissioner for Patents
Licensing & Review
U.S. Patent and Trademark Office
Crystal Park 5, Suite 3D11
Arlington, VA 22202

December 15, 2003

RECEIVED
DEC 15 2003
LICENSING & REVIEW

Sir:

A retroactive foreign filing license for the invention disclosed in the above-identified U.S. application is respectfully requested. No Official Filing Receipt has yet issued for this application and this application has been on file for less than six months.

The title for the application is "DEVICE FOR RADIATION TREATMENT OF PROLIFERATIVE TISSUE SURROUNDING A CAVITY IN AN ANIMAL BODY" and the inventors are Luis A. LINARES and Johann KINDLEIN. A copy of the application as filed in the U.S. Patent and Trademark Office is enclosed. This application is a utility

application and will eventually be assigned to Nucletron B.V. No executed Declaration is yet available.

It is noted that 37 CFR 5.25 requires the following:

1) A listing of each of the foreign countries in which the unlicensed patent application material was filed,

2) The dates on which the material was filed in each country,

3) A verified statement containing:

(i) An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,

(ii) A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and

(iii) An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and

4) The required fee under 37 CFR § 1.17(h).

Accordingly, it is noted that the present application material was filed in Europe on September 27, 2002, and has been assigned Appl. No. 02079066.3. Also, a verified Declaration in Support of Retroactive License is attached hereto.

The fee of \$130.00 as required in 37 C.F.R. § 1.17(h) is authorized to be charged to deposit account No. 02-2448. This form is submitted in triplicate.

When this license is available, it is respectfully requested that the license be sent via facsimile to (703) 205-8050 with the original being mailed to the following:

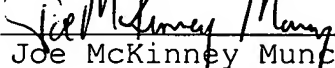
BIRCH, STEWART, KOLASCH & BIRCH, LLP or Customer No. 02292
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

If there are any outstanding matters regarding this Petition, please contact the undersigned at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Joe McKinney Muncy, #32,334

KM/asc
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